

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DURRELL ANTHONY PUCKETT,

Plaintiff,

v.

J. BARRIOS, D. WHITE, H.
HERNANDEZ and FNU GUTIERREZ,

Defendants.

Case No. 1:23-cv-00054-HBK (PC)

ORDER REFERRING CASE TO EARLY
ADR AND STAY OF CASE

DEADLINE TO OPT OUT DUE BY:

OCTOBER 6, 2023

Plaintiff Durrell Anthony Puckett is a state prisoner proceeding pro se and *in forma pauperis* on his Complaint brought pursuant to 42 U.S.C. § 1983. (Doc. Nos. 9, 12). As set forth in the Court's February 17, 2023 Screening Order, Plaintiff's First Amended Complaint stated a cognizable Eighth claim against Defendants J. Barrios, D. White, H. Hernandez, and FNU Gutierrez. (Doc. No. 17).

The Court refers all civil rights cases filed by pro se individuals to early Alternative Dispute Resolution (ADR) to try to resolve such cases more expeditiously and less expensively. *See also* Local Rule 270. In appropriate cases, defense counsel from the California Attorney

1 General's Office have agreed to participate in early ADR. No claims, defenses, or objections are
2 waived by the parties' participation.

3 Attempting to resolve this matter early through settlement now would save the parties the
4 time and expense of engaging in lengthy and costly discovery and preparing substantive
5 dispositive motions. The Court therefore will STAY this action for 90 DAYS to allow the parties
6 an opportunity to investigate Plaintiff's claims, meet and confer, and engage in settlement
7 discussions, or agree to participate in an early settlement conference conducted by a magistrate
8 judge. **The stay does not relieve Defendant from their obligations to timely file a response to**
9 **the operative complaint as screened.** See Fed. R. Civ. P. 4. The Court presumes that all post-
10 screening civil rights cases assigned to the undersigned will proceed to a settlement conference at
11 some point. If after investigating Plaintiff's claims and meeting and conferring, either party finds
12 that a settlement conference would be a waste of resources, the party may opt out of the early
13 settlement conference.

14 Accordingly, it is **ORDERED**:

15 1. This action will remain **STAYED until further order** to allow the parties an
16 opportunity to settle their dispute. If Defendant Gutierrez is served, he may respond to the
17 operative complaint as screened during the stay period, but the parties may not file other
18 pleadings or motions during the stay period. Further, the parties shall not engage in formal
19 discovery until the Court issues a Scheduling and Discovery Order.

20 2. **Within 90 days** from the date on this Order, or no later than October 6, 2023, the
21 parties shall file a notice if they object to proceeding to an early settlement conference or if they
22 believe that settlement is not currently achievable.

23 3. If neither party has opted out of settlement by the expiration of the objection
24 period, the Court will assign this matter by separate Order to a United States Magistrate Judge,
25 other than the undersigned, for conducting the settlement conference.

26 4. If the parties reach a settlement prior to the settlement conference, they SHALL
27 file a Notice of Settlement as required by Local Rule 160
28

1 5. The Clerk of Court shall serve Deputy Attorney General James Mathison and
2 Supervising Deputy Attorney Lawrence Bragg with a copy of Plaintiff's First Amended
3 Complaint (Doc. No. 12); the Court's Screening Order (Doc. No. 17); and this Order.

4 6. The parties must keep the Court informed of their current addresses during the stay
5 and the pendency of this action. Any changes of address must be reported promptly by filing a
6 Notice of Change of Address with the Clerk of Court. *See* Local Rule 182(f).

7
8 Dated: July 7, 2023


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE